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Agenda item 5

DESIGNATION OF A PERMANENT SECRETARIAT AND ARRANGEMENTS FOR ITS FUNCTIONING

Note by the Executive Secretary

Addendum

Conclusions of the Contact Group on the permanent secretariat

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I. INSTITUTIONAL LINKAGES
(document A/AC.237/79/Add.1)

1. The Contact Group has carefully studied the proposal of the Secretary-General on the institutional linkage of the Convention secretariat to the United Nations (A/AC.237/79/Add.1, Annex III). This proposal was made in response to a request by the Chairman on behalf of the Committee and on the recommendation of the Contact Group. The first views of the Contact Group on this proposal were conveyed to the Special Adviser to the Secretary-General in the Chairman's letter of 19 November 1994, to which the Special Adviser replied on 14 December 1994 (A/AC.237/79/Add.1, Annexes IV and V).

2. The Contact Group is of the view that the arrangements for the permanent Convention secretariat should build upon the present arrangements for the interim secretariat, taking into account the role of the Department for Policy Coordination and Sustainable Development (DPCSD) in the coordination of United Nations activities on sustainable development and on the implementation of Agenda 21.

3. The Contact Group notes that the essential elements of the arrangement proposed by the Secretary-General are:

(a) The establishment of a Convention secretariat that would function autonomously under the umbrella of the United Nations and whose head would be appointed by, and accountable to, the Secretary-General, as well as being accountable to the Conference of the Parties (COP);

(b) The provision of administrative services to the Convention secretariat, under an arrangement that could be recommended by the Secretary-General for consideration by the first session of the Conference of the Parties (COP 1);

(c) An arrangement whereby DPCSD, the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP), as well as other United Nations bodies and specialized agencies, would support the implementation of the Convention and cooperate with the Convention secretariat.

4. With regard to the role of the head of the Convention secretariat in the proposed arrangement, the Contact Group notes that that official would have two lines of accountability, namely, one on policy and programmes to the COP and one to the Secretary-General as the Chief Administrative Officer of the United Nations. Policy guidance and programme mandates for the Convention secretariat would emanate from the COP, to which the head of the secretariat would be accountable for implementation. Accountability to the Secretary-General would

include the observance of staff regulations and rules and financial regulations and rules, within the framework of appropriate delegated authority in the field of financial and personnel management.

5. The Contact Group notes that United Nations procedures would require that the appointment of the head of the Convention secretariat be made by the Secretary-General after consultation with the COP. It is understood that the Secretary-General, before making an appointment, would seek advice from the COP, through its Bureau.

6. With regard to the arrangement for cooperation in support of the Convention and its secretariat, the Contact Group recognizes that the approach proposed by the Secretary-General has the merit of engaging the capacities of relevant departments and Programmes without assigning supervision of the secretariat to one of them. The head of the Convention secretariat would be an integral partner in this arrangement.

II. FINANCIAL RULES

A. Financial procedures
(document A/AC.237/79/Add.2 and Corr.1 and 2)

7. The Contact Group has reviewed the draft financial procedures submitted by the Executive Secretary and the accompanying explanations. It commends them to the attention of the Committee.

8. The Contact Group concurs with the proposal that the financial procedures to be adopted by COP 1 should provide for the Convention budget to be subject to review by a small representative group before consideration and adoption by the COP. Of the two options presented in paragraph 4 of the draft financial procedures, the Contact Group favours the option to establish a Finance Committee. The Finance Committee could consist of representatives of ten to fifteen Parties and could meet during sessions of the COP or the subsidiary bodies. It could seek technical advice and comments from the Advisory Committee on Administrative and Budgetary Questions (ACABQ).

9. The Contact Group draws the attention of the Committee to paragraph 6 of the draft financial procedures regarding the adoption of the budget by consensus. Careful attention needs to be given to the procedure to be followed in the unlikely event that efforts to reach consensus prove unsuccessful. There would have to be consistency between the relevant financial procedures and the rules of procedure of the COP on voting.

10. With respect to the scale of contributions to the core budget, the Contact Group believes that the United Nations scale reflects, inter alia, the principle of "common but differentiated responsibility". Consequently, an adjusted United Nations scale, providing for contributions from all Parties with a ceiling of 25 per cent on any single contribution (see A/AC.237/79/Add.2/Corr.2, Tables 1 and 2, column D) is proposed as a basis for discussion by the Committee and the COP.

B. Budget outline for 1996/97
(document A/AC.237/79/Add.3)

11. The Contact Group finds the budget outline presented by the Executive Secretary to be a useful indication of the possible functions of the permanent secretariat, the way it could be organized and the possible sources of funding. It has not been able to review in detail the staffing plan and related cost estimates, nor the overall budget estimates for the biennium 1996/97. With respect to the staffing plan, the Contact Group underlines the importance of combining high professional competence with an adequate geographical mix of staff, particularly at senior levels.

12. The Contact Group notes that a number of ways are indicated by which the scale of the core budget could be reduced (A/AC.237/79/Add.3, para. 38). It recognizes that, until these possible reductions are confirmed and quantified, there will be a degree of uncertainty regarding the level of the core budget for 1996/97. Consequently, a flexible approach may be necessary in the transition to the new budgetary regime.

13. The Contact Group considers, nevertheless, that every effort must be made to adopt the Convention budget in time for work on the Convention to continue without a break as of 1 January 1996. In order to arrive at the necessary decisions at COP 1, it would be useful for the budget to be reviewed by the Contact Group, together with a number of other delegations with a substantial interest in the budget. It recommends that the Committee mandate such a review, to start during the eleventh session, to continue immediately prior to COP 1, and to submit a report to the COP. It might also be possible for this review group to obtain advice and comments on the proposed budget from the ACABQ.

III. PHYSICAL LOCATION
(document A/AC.237/79/Add.4 and A/AC.237/Misc.45)

14. The Contact Group is sure that the Committee will wish to express its deep appreciation for the willingness shown by the Governments of Canada, Kenya, Germany, Switzerland and

Uruguay to host the Convention secretariat. These offers manifest a commitment to support the implementation of the Convention by providing the best possible conditions for the work of its c secretariat. It expresses the hope that this commitment to the Convention will be maintained even after a decision on the location of the permanent secretariat is made by the COP. There will be opportunities for Governments not hosting the secretariat to contribute to the implementation of the Convention by hosting operational activities related to the Convention. This would give a needed regional dimension to such activities.

15. The Contact Group has given careful consideration to the detailed information provided by the Governments of Canada, Germany, Switzerland and Uruguay in support of their offers to host the Convention secretariat. The Contact Group notes that these offers contain many common elements, particularly with respect to privileges and immunities. It is aware that, in some cases, these matters have been under negotiation.

16. The Contact Group recommends to the Committee that, in assessing these offers, it take account of three main criteria:

(a) Convenience of access by delegations to the Convention secretariat and to meetings held in the city where the secretariat is located;

(b) The economies that might be derived for the budget of the secretariat by its being in the same location as other United Nations offices or secretariats needing or providing organizational support services;

(c) The contribution offered by the prospective host Government in cash and/or kind to reduce the overall charge on the Convention budget.

17. The first two criteria would favour the location of the Convention secretariat in an existing United Nations centre. The last criterion would give preference to the host Government making the best financial offer.

IV. CONCLUSION

18. The Contact Group recalls the conclusion of the Committee at its tenth session that decisions on all matters relating to arrangements for the permanent secretariat should be taken by COP 1 (A/AC.237/76, para. 124). The Contact Group urges that this aim be kept firmly in view and that the Committee seek to achieve a comprehensive recommendation to COP 1.

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